

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

06-CR-6234L

v.

TORRIE SINGLETON,

Defendant.

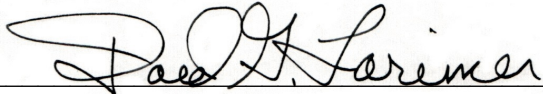
This Court previously referred all pretrial motions to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). By Order entered April 21, 2008, Magistrate Judge Payson issued a Report and Recommendation that a police officer's encounter with the defendant violated the Fourth Amendment. The Government duly filed an objection with this Court to that finding.

Although Magistrate Judge Payson made the above-referenced Report and Recommendation, she made no recommendation as to whether any statements or physical evidence should be suppressed. Rather, Magistrate Judge Payson advised the parties that she intended to conduct further proceedings to determine if evidence subsequently obtained, statements and physical evidence, should be suppressed.

At this point, Magistrate Judge Payson has made no recommendation as to whether any evidence should be suppressed or not. Magistrate Judge Payson conducted an additional hearing on that issue and intends to continue that hearing on June 24, 2008, to take further testimony.

Under these circumstances, it appears best that this Court defer dealing with the issues raised by defendant's motion and Magistrate Judge Payson's Report and Recommendation until Magistrate Judge Payson has completed all that needs to be done relative to the motion. Obviously, the posture of the case will be different depending on how Magistrate Judge Payson rules on the suppression issues. I will, therefore, defer resolving the pending objections to the Magistrate Judge's Report and Recommendation of April 21, 2008 until all matters have been concluded.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 17, 2008.